

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 19, 1999

DIVISION ONE

B124752 People (Not for Publication)
v.
Ernest Boykins et al.

The judgments are reversed and the matter is remanded for a new trial.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B123720 People
v.
Alkebulan

Argued by Daniel Koryn for appellant and Carl Henry, deputy attorney general, for respondent. Cause submitted.

B121032 Young
v.
Sullivan

Merits:
Argued by Jerry Edelman for respondent and there being no appearance for appellant. Cause submitted.

DIVISION TWO (Continued)

B127891 People
 v.
 Vickroy

Merits:

Argued by Daniel Koryn for appellant and by April Sylvester, deputy attorney general, for respondent. Cause submitted.

B119909 People
 v.
 Kim

Merits:

Argued by Jerald Newton for appellant and by William Ballough, deputy attorney general, for respondent. Cause submitted.

B117575 People
 v.
 Hardin

Merits:

Argued by Tracy Dressner for appellant and by Thomas Hsieh, deputy attorney general, for respondent. Cause submitted.

B125009 Kiewit Pacific Co.
 v.
 Metropolitan Water District

Merits:

Argued by Patrick Duffy for appellant and by Ronald Sofen for respondent. Cause submitted.

DIVISION TWO (Continued)

B120551 Brifman
 v.
 C S E Insurance Group

Merits:
Argued by Lisa Kantor for appellant and by Tyna Thall Orren for
respondent. Cause submitted.

B119924 Gutierrez
 v.
 So. Cal. Edison Co.

Merits:
Argued by Patrick Johnston for appellant and by David Harney for
respondent. Cause submitted.

Zebrowski, J. leaves the bench.

B129191 Chris-Craft Industries
 v.
 Hartford Accident

Merits:
Argued by Sterling Brennan for appellant and by Robert Dahlquist for
respondent. Cause submitted.

Court recessed.

Court convened at 1:00 PM

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva,
Deputy Clerk.

DIVISION TWO (Continued)

B127809 Robo Cellular Inc.
 v.
 Xiao

Merits:

Argued by appellant Wei Hao Xiao in propria persona and no appearance for respondent. Cause submitted as to bankruptcy proceeding only.

B124836 People
 v.
 Washington

Merits:

Argued by Jerald Newton for appellant and by David Voet, deputy attorney general, for respondent. Cause submitted.

B120721 People
 v.
 Ocampo

Merits:

Argued by Tracy Dressner for appellant and by Ronald Jakob, deputy attorney general, for respondent. Cause submitted.

B127817 Kotcyk
 v.
 Johnson
 (Estate of Frudenberg)

Merits:

Argued by Walter Zagzebsic for appellant and by Marc Sallus for respondent. Cause submitted.

DIVISION TWO (Continued)

B129996 Dept. Children & Family Svcs.
 v.
 Arnulfo G.
 (In re Isaura G.)

Merits:

Argued by Michael Salazar for appellant and by Amir Pchvai, deputy county counsel, for respondent. Cause submitted.

B132403 Sidney T.
 v.
 Superior Court, Los Angeles County
 (Dept. Children and Family Svcs., r.p.i.)

Merits:

Argued by Adam Reed for petitioner and by Sterling Honea, deputy county counsel, for real party in interest. Cause submitted.

B123056 Waters
 v.
 American Cancer Society
 (In the Matter of Botkin Trust)

Merits:

Argued by William Poindexter for appellant and by Irene Silverman for respondent. Cause submitted.

B120110 People
 v.
 Serrano

Merits:

Argued by Nikki Fong for appellant and by Ronald Jakob, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B131944 Calvin P.
v.
Superior Court, Los Angeles County
(Dept. of Children & Family Svcs., r.p.i.)

Merits:

Argued by Bob Jacobs for petitioner, by Brandon Nichols, deputy county counsel, for real party in interest Department of Children and Family Services and by Steven Beltran for real party in interest Minor. Cause submitted.

Each of the following:

B123084 People v. Washington
B124424 People v. Hudson
B123526 People v. Johnson
B127753 People v. Block
B124051 Roldan v. Salamone et al.
B125432 People v. Christian A.
B108549 People v. Canada
B119524 Benetic v. Wedgwood
B124619 People v. Stadtlander
B124142 People v. Ross
B132100 David P. v. Superior Court, Los Angeles County
B132710 Patricia B. v. Superior Court, Los Angeles County
B123503 In the Matter of Cassandra & Albert R.
B132354 Angelica C. v. Superior Court, Los Angeles County
B132712 Natalie G. v. Superior Court, Los Angeles County
B122148 People .v Amaral & Gutierrez
B109995 People v. Ramos & Mendoza
B122960 People v. Rodriguez
B119971 Green v. Board of Retirement, Los Angeles County
B124936 People v. Arce & Urbano
B117586 Bomba v. Lufthansa

Argument waived, cause submitted.

Court adjourned.

DIVISION THREE

B123127 Mary McFadden (Not for Publication)

v.
California State Personnel Board
Department of Consumer Affairs

The judgment from which McFadden has appealed is affirmed. Costs on appeal to the Department.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B124906 People (Not for Publication)

v.
Ramzy

The judgment is modified by imposing a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B125308 People (Not for Publication)

v.
Jaure

The judgment is modified to reflect the imposition of a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the imposition of that fine.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

August 19, 1999-Continued

DIVISION THREE (Continued)

[illegible]

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B125683 People (Not for Publication)
v.
Frank C.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

*****Correction to the minutes of August 9, 1999*****

The following entry appeared on Aug. 9, 1999, as a published opinion:

B130473 Granada Gardens **(Not for Publication)**
Home Owners Association
v.
Superior Court, Los Angeles County

The alternative writ is discharged. Let a peremptory writ issue, compelling the superior court to vacate its order denying petitioner's motion for summary judgment, and to issue a new order granting the motion. The trial court is directed to enter judgment for petitioner. Petitioner is entitled to costs of this proceeding.

Epstein, J.

We concur: Vogel (C.S.), P.J.

August 19, 1999-Continued

Curry, J.

DIVISION FIVE

B122652 Paktronics Controls, Inc. (Not for Publication)
v.
California Acrylic Industries, Inc.

The judgment is reversed only to the extent it awarded prejudgment interest. The judgment is affirmed in all other respects. Each party to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B123435 April Ray (Not for Publication)
v
County of Los Angeles

The order denying the motion to vacate judgment is affirmed. Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B123486 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Victor W.
In re Victor W.

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

August 19, 1999-Continued

DIVISION SIX

[illegible]

The judgment is affirmed. Respondent is awarded costs on appeal.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Coffee, J.

B125731 People (Not for Publication)
v.
Wren

The judgment (order of commitment) is affirmed.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

B123901 Sims, etc., et al. (Not for Publication)
v.
Las Posas Estates, etc.

The order striking the first amended complaint is affirmed. The order denying attorney's fees is reversed with directions to recalculate Association's fees. Appellants' protective cross-appeal on the issue of the apportionment of fees is moot. Association is awarded fees and costs on appeal in an amount to be determined by the trial court.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B124841 People (Not for Publication)
v.
Brown & White

With respect to appellant Brown, the matter is remanded to permit the trial court to impose the mandatory restitution and parole revocation fines pursuant to sections 1202.4 and 1202.45. In all other respects, the judgment is affirmed.

With respect to appellant White, we order the clerk of the superior court to prepare and forward to the Department of Corrections an amended abstract of judgment striking the two four-month enhancements imposed with respect to counts twelve and thirteen, and imposing a parole revocation fine of \$5,000 pursuant to section 1202.45. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B122677 Mirzai (Not for Publication)
v.
Hill & Sanford

The judgment (order of dismissal) is affirmed. Costs to respondents.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

DIVISION SIX (Continued)

B125107 Kirby (Not for Publication)

v.

Jensen

In re the Estate of Rita Naman

The order directing the distribution of assets and construing the testamentary instruments is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B126035 Famularo (Not for Publication)

v.

Famularo

The judgment (order denying motion to modify spousal support) is affirmed. Wife is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B132046 Donna R. and Todd P. (Not for Publication)

v.

Superior Court of San Luis Obispo County
(San Luis Obispo County DPSS, r.p.i.)

The petitions are denied.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

August 19, 1999-Continued

DIVISION SEVEN

B123960 People (Not for Publication)
v.
Hamilton

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B124549 People (Not for Publication)
v.
Richardson

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B127514 People (Not for Publication)
v.
Carl A.
In re Carl A.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B125595 People (Not for Publication)
v.
Davis

The judgment is affirmed. The clerk of the superior court shall amend the abstract of judgment to state appellant's term of imprisonment as a second-strike offender under the Three Strikes law is a life term with a minimum term of 14 years, enhanced by five years for a prior serious felony conviction and by one year for the use of a deadly and dangerous weapon. The term imposed for the count 1 robbery was stayed pursuant to Penal Code section 654. The clerk shall send the amended abstract of judgment to the California Department of Corrections.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B128608 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Alta H.
In re Destiny M.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B132108 Graham (Not for Publication)

v.
Superior Court, Los Angeles County
(Choicepoint Services, Inc., r.p.i.)

Let a writ of mandated issue compelling respondent superior court to vacate its April 20, 1999, order denying the motion for reconsideration and to enter a new and different order granting the motion for reconsideration and denying the motion for transfer. This court's order staying the March 9, 1999, transfer order is to remain in effect pending finality of this decision. Petitioner is entitled to costs on this proceeding.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B131464 Los Angeles County, D.C.F.S. (Not for Publication)

V.
Horace W.
In re Michelle H.

The Court:

Accordingly, we deem the appeal abandoned and order the appeal dismissed.

Lillie, P.J., Acting P.J., Woods, J., Neal, J.

B122225 Knipe (Not for Publication)

V.
Washington Square Capital et al.

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B122378 Dean et al. (Not for Publication)
 v.
 State of California

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B124954 People
 v.
 Riht

Filed order denying petition for rehearing.